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DATE: December 14, 2005

## To:

NAME	FAX NO.	PHONE NO.
Examiner Trang U. Tran U.S. Patent & Trademark Office	1.571.273.8300	1.571.727.7358

FROM: Derek C. Stettner

PHONE: 414.225.4947

SENT BY: Karen J. Kline

EXTENSION: 5236

LOCATION: 29NE

RE: U.S. Patent Application No. 09/700,321

NUMBER OF PAGES, INCLUDING COVER:	4		
CLIENT-MATTER NUMBER:	087805-9016	SENDER'S ACCOUNT NUMBER	0005

## NOTES/COMMENTS:

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PTOL-413A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**Applicant Initiated Interview Request Form**

Application No.: 09/700,321 First Named Applicant: Martin Weston  
 Examiner: Trang U. Tran Art Unit: 2614 Status of Application: Final Rejection Issued

Tentative Participants:  
 Derek C. Stettner

Proposed Date of Interview: December 16, 2005 Proposed Time: 3:00PM EST

Type of Interview Requested:  
☒ Telephonic ☐ Personal ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

**Issues to Be Discussed**

Issues (Ref., Obj., etc.) Rej.	Claims / Fig. #s Claim: 1-15	Prior Art Chen	Discussed	Agreed	Not Agreed
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:  
 See attached copy of email send 12/13/2005.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
 Applicant/Applicant's Representative Signature

\_\_\_\_\_  
 (Examiner/SPE Signature)

Derek C. Stettner

Typed/Printed Name of Applicant Representative

37.945

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 14 2005

**Kline, Karen**

**From:** Stettner, Derek C.  
**Sent:** Tuesday, December 13, 2005 5:03 PM  
**To:** 'trang.tran@uspto.gov'  
**Cc:** Kline, Karen  
**Subject:** U.S. Application No. 09/700,321

Attorney Docket No. 087805-9016

Dear Examiner Tran:

Thank you for agreeing to have a telephonic interview regarding this application on Friday, December 16, 2005, at 3:00 PM Eastern Time.

As you requested, I am sending this message to provide a summary of the proposed discussion.

The substance of the interview will involve the assertion of the Office that, when  $k_1$ ,  $k_2$ , and  $k_3$  are constants that  $a*k_1 + b*k_2 + c*k_3 = a*b*c$  (EQ. 1). With due respect, the Applicant notes that the sum (addition) of three values or signals is not equal to the product (multiplication) of the same three values or signals. In order to avoid the costs (which will be incurred by both the Office and the Applicant) of filing either a Pre-Appeal Brief Request for Review or an Appeal, Applicant respectfully requests that the Office reconsider and withdraw its rejection.

The Office appears to treat multiplication and addition as equivalents. The fact that there are rare circumstances (such as  $0*0=0$  and  $0+0=0$ ; and  $2+2=4$  and  $2*2=4$ ) where the results of multiplication and addition are the same does not change what Applicant can only describe as a fundamental maxim of mathematics: addition and multiplication are not the same or equivalent to each other. The fact that the Office can point to some rare circumstances where addition and multiplication yield the same result does not mean that the reference teaches the claimed subject matter. The fallacy of the Office's argument becomes clearer if one takes the next step in the Office's argument and attempts to substitute, in real world conditions, signal processors that sum signals for signal processors that multiply signals. This simply would not work and any person of ordinary skill in the art would recognize this to be so. As Applicant noted in prior submissions,

... Chen does not multiply signals together, as claimed in Claim 1. This difference is fundamental and is highlighted in the table on page 3 of the present application where the two different types of operation are clearly distinguished. It is also noted that the two different types of operation require different implementations, each having different associated costs.

In other words, multiplication and addition are not implemented using the same hardware and software and the costs of implementing each are different, which further evidences that the two are not equivalents.

The Applicant will also note that the Office has taken what was intended to be a teaching example provided by the Applicant and through hindsight analysis and supplementation of the reference relied upon, rejected the claims. First, Applicant notes that the circumstances under which EQ. 1 are true are even rarer than what the Office supposes. Not only would  $k_1$ ,  $k_2$ , and  $k_3$  have to be constants, but it appears that they would have to be equal fractions and that  $a$ ,  $b$ , and  $c$  would have to be equal to each other. For example,  $k_1=k_2=k_3=1/3$  and  $a=b=c=1$ . If  $k_1$ ,  $k_2$ , and  $k_3$  are constant (or invariable) only, there are no circumstance (as best as Applicant can determine) where EQ. 1 is true, except where  $a=b=c=0$ . Second, and more importantly, Chen never teaches or suggests these circumstances or that known mathematical coincidences where multiplication and addition yield the same result cause the two operations (or devices) to be equivalent. Accordingly, a withdrawal of the present rejection is in order.

It is not expected that other matters will be discussed.

Regards,

Derek C. Stettner

Reg. No. 37,945

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